

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Writ Petition No. 949 of 2003 (M/B)**

Prem Singh Suriyal,  
S/o Late Sri Kan Singh Suriyal,  
R/o Village Baagi, Patti Sanjula,  
District Tehri Garhwal. .... Petitioner

Versus

1. State of Uttaranchal  
through Chief Secretary,  
Dehradun, Uttaranchal.
2. District Magistrate,  
Tehri Garhwal.
3. Tehri Hydro Development Corporation Ltd.,  
through its General Manager. .... Respondents

Mr. Vikas Pandey, Advocate on behalf of Mr. V.B.S. Negi, Advocate for the petitioner.

Mr. N.C. Gupta, Standing Counsel for respondents Nos. 1 & 2.

None for respondent No. 3.

**JUDGMENT**

**Coram: Hon'ble Rajesh Gupta, C.J.  
Hon'ble Prafulla C. Pant, J.**

**RAJEEV GUPTA, C. J. (Oral)**

Mr. Vikas Pandey, Advocate on behalf of Mr. V.B.S. Negi,  
Advocate for the petitioner

Mr. N.C. Gupta, Standing Counsel for respondents Nos. 1 & 2.

None for respondent No. 3.

2. Mr. Vikas Pandey, the learned counsel for the petitioner seeks permission to withdraw the writ petition with the liberty of filing an appeal under Rule 77 of the Uttar Pradesh Minor and Minerals (Concession) Rules, 1963 before the Divisional Commissioner and also to seek condonation of the delay in filing the appeal on the ground that the petitioner was pursuing the writ petition under bonafide belief.

3. Permission granted.

4. With the above liberty, the writ petition is dismissed as withdrawn.

**(Prafulla C. Pant, J.)**  
30.06.2006

**(Rajeev Gupta, C. J.)**  
30.06.2006

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